

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AGFA CORPORATION and)
AGFA-GEVAERT AKTIENGESELLSCHAFT,)
)
Plaintiffs,)
)
vs.) Civil Action No.
) 03CV12524RGS
)
RAD GRAPHIC SYSTEMS, INC. and) JUDGMENT
ROBERT DERRYBERRY,)
)
Defendants.)

The parties hereto, having agreed to a settlement of the matters in issue between them, and to the entry of this Judgment, it is hereby ORDERED, ADJUDGED, AND DECREED:

1. This Court has jurisdiction over plaintiffs Agfa Corporation and Agfa-Gevaert Aktiengesellschaft and over defendants RAD Graphic Systems, Inc. and Robert Derryberry and over the subject matter in issue, and venue is proper.

2. Agfa-Gevaert is the owner of United States Trademark Registrations for the AGFA trademark, including U.S. Trademark Registrations Nos. 513,022; 520,362; 1,227,186; 1,357,469; 1,529,175; 1,594,038; 1,594,039; 2,077,755; 2,091,451; 2,366,790, and 2,366,791. Agfa-Gevaert is also the owner of United States Trademark Registrations using the trademark AGFA in conjunction with additional words, including U.S. Trademark Registrations Nos. 664,594; 665,054; 713,491; 984,457; 991,957; 1,088,426; 1,490,728;

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1,559,475; 1,582,101; 2,189,432; 2,208,550; 2,373,779; 2,466,391; 2,653,510, and 2,658,477.

3. The United States Trademark Registrations referred to at paragraph 2 (hereafter "the Trademarks") are good, enforceable in law, and not invalid, and at least one of the Trademarks has been infringed by the defendants' use of at least one of the Trademarks as shown in the attached Exhibit A. This Judgment is intended to and shall preclude the defendants from ever again challenging the validity of the Trademarks, unless the Trademarks are abandoned by Agfa.

4. Defendants, RAD Graphic Systems, Inc. and Robert Derryberry, and their officers, agents, servants, employees, attorneys, and those persons acting in concert or participation with them, are enjoined from infringing the Trademarks and, in particular, from manufacturing, importing, distributing, soliciting orders for, using, or causing to be used the Trademarks and all colorable imitations or variations thereof in connection with their business; from use of the domain names AGFA-LINO.COM; AGFAIMAGESETTERSERVICE.COM; AGFAIMAGESETTERREPAIR.COM, any domain name with the name AGFA or any colorable imitations or variations of the Trademarks, and from otherwise holding themselves out as authorized agents or representatives of the plaintiffs, except as provided for in paragraph 9 hereof.

5. It is ordered that defendants shall immediately disable the domain names AGFA.LINO.COM, AGFAIMAGESETTERREPAIR.COM; and AGFAIMAGESETTERSERVICE.COM and no later than six (6) months

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after the entry of this Judgment assign to plaintiffs the domain name registrations for AGFA-LINO.COM; AGFAIMAGESETTERSERVICE.COM; AGFAIMAGESETTERREPAIR.COM and any other domain name registration using the name AGFA.

6. It is ordered that all goods, all packaging, labels, signs, prints, stationery, packages, receptacles and advertisements in the possession, custody or control of defendants bearing the infringing marks or any colorable imitation thereof and all plates, molds, matrices, and other means of making the same shall be delivered up to plaintiffs and destroyed, except as provided for in paragraph 9 hereof.

7. This Judgment shall be binding on the parties and their successors or assigns.

8. Each party hereto shall bear its own costs and expenses, including attorney fees, except as otherwise agreed to by the parties.

9. RAD Graphic Systems and Robert Derryberry may make fair use of the Trademarks to the extent provided by law, e.g. stating that RAD Graphic Systems sells used Agfa products and services Agfa products.

10. Plaintiffs Agfa-Gevaert and Agfa Corporation shall have judgment accordingly.

IT IS SO ORDERED THIS ____ day of April, 2004.

United States District Judge

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Approved for Plaintiffs:

Approved for Defendants:



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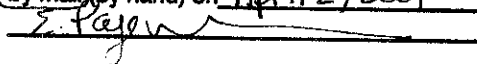
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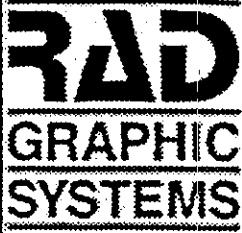


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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was
served upon the attorney of record for each other party
by mail (by hand) on April 2, 2004





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